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October 3, 2024

By ECF

Hon. P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Sharmell Cunningham
24-Cr-400 (PKC)

*Application GRANTED.
SO ORDERED.
S. J. Whalen
USDS
10-7-24*

Dear Judge Castel:

I write regarding the schedule for sentencing submissions in Mr. Cunningham's case. Mr. Cunningham's sentencing is being expedited, with sentencing to take place on October 30. The pre-sentence interview will take place on October 9, and Probation has advised me that the PSR will be disclosed on October 23. The Court did not set a schedule for the filing of sentencing submissions under the expedited schedule during the change of plea hearing.

The defense has retained a mitigation expert who is preparing a report that will be completed by October 15. The parties have also received the PSR from Mr. Cunningham's underlying sentence.

[Given the expedited timeline for sentencing, I write to request that the Court allow the defense to file its sentencing submission on October 21, and the government to file its submission on October 25.] That proposed schedule would allow the defense to incorporate the mitigation report into its sentencing submission. The proposed schedule would likewise allow the government a sufficient opportunity to review the pre-sentence report prior to filing its submission, and the defense an opportunity to supplement its submission if needed after the disclosure of the updated PSR.

I have conferred with the government, which does not object to this proposed schedule.

Sincerely,

mlc

Michael Arthus
Assistant Federal Defender
212-417-8760

cc. (by ECF): AUSA Remy Grosbard